

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARY E. BARBOUR, AS TRUSTEE OF  
THE MARY E. BARBOUR FAMILY  
TRUST ONE, Derivatively On Behalf of  
BROCADE COMMUNICATIONS  
SYSTEMS, INC.,

Plaintiff,

v.

GREGORY L. REYES, *et al.*,

Defendants,

BROCADE COMMUNICATIONS  
SYSTEMS, INC., a Delaware corporation,

Realigned Plaintiff

Case No. C 08-02029 CRB

**[PROPOSED] ORDER LIFTING  
STAY**

Date: April 17, 2009  
Time: 10:00 a.m.  
Dept: 8, 19th Floor  
Judge: Hon. Charles R. Breyer

[PROPOSED] ORDER LIFTING STAY  
CASE NO.: C-08-02029 CRB

1 WHEREAS, this action began as a shareholder derivative suit on behalf of Brocade  
2 Communications Systems, Inc. ("Brocade"), in which Brocade then was designated as the nominal  
3 defendant;

4 WHEREAS, by Order dated August 27, 2008, the parties were realigned, with Brocade re-  
5 designated as the sole party-plaintiff and substituted for the shareholder plaintiff, and the shareholder  
6 plaintiff was dismissed from the action;

7 WHEREAS, by the same August 27, 2008 Order, this action has been stayed pending further  
8 developments in the related action in this Court captioned *In re Brocade Communications Systems,*  
9 *Inc. Derivative Litigation*, No. C05-02233 CRB, and other related proceedings;

10 WHEREAS, plaintiff Brocade has moved the Court for an Order lifting the stay so that  
11 Brocade may file a notice of voluntary dismissal of this entire action without prejudice pursuant to  
12 Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure;

13 **NOW, THEREFORE, IT IS HEREBY ORDERED** that the stay of proceedings is hereby  
14 lifted so that plaintiff Brocade may file a notice voluntary dismissal of this entire action without  
15 prejudice.

16  
17 **IT IS SO ORDERED**

18 Dated: April 8, 2009

